

J DANSHES LLC (Applicant)
Danshes' Center on the Pike – 900 Rockville Pike

**PRE-APPLICATION MEETING (PAM) REQUEST FOR PROJECT PLAN
AMENDMENT APPLICATION**

PROJECT DESCRIPTION AND SCOPE OF WORK NARRATIVE

The subject property consists of 0.6376 acres of land in the Planned Development-Champion Billiards (PD-CB) Zone located in the southeast corner of Rockville Pike (MD 355) and Edmonston Drive and also known as Parcel P214. The property is currently unimproved.

The subject property was previously approved for development by the Mayor and Council under Preliminary Development Plan Application PDP2006-00011, with a two-story, 12,574 square foot retail furniture sales building and associated surface parking. A subsequent Use Permit Application (USE2006-000702) and a Final Record Plat Application (PLT2007-00476) for the development were approved by the Planning Commission, but due to financial difficulties encountered by the previous property owner/applicant, the approvals were never implemented.

The present application seeks to amend the previous Planned Development approval to allow development of a commercial/retail center that would consist of 6,084 square feet of ground floor neighborhood retail and 900 square feet of office. The project is proposed to be constructed in one phase that will include a total of 34 surface parking spaces, 2 of which will be handicap accessible.

Section 25.14.25 of the Zoning Ordinance sets forth the MXCD Zone as the designated equivalent zone for the PD-CB (Champion Billiards) planned development.

The Site Data table shown on the Preliminary Site Plan submitted with this Pre-Application outlines the proposed project's compliance with the development standards of the MXCD Zone, except as follows:

- 1) Build-to-line (from centerline of Rockville Pike): waiver of 15 feet.
- 2) Parking area side setback / width of perimeter landscape area
(abutting MXCD): waiver of 3 feet.
- 3) Parking area rear setback / width of perimeter landscape area
(abutting WMATA): waiver of 4.6 feet.

This application seeks approval of waivers of the above development standards pursuant to applicable waiver provisions found in the Zoning Ordinance. First, use of attractive fencing in conjunction with landscaping in the areas of the site immediately adjacent to WMATA's right-of-way as well as to the MXCD zoned property to the south will achieve effective screening along the eastern and southern boundaries of the site's parking areas and result in a better site design. Section 4.d.2(b)(iv) of the Landscaping, Screening and Lighting Manual affords properties located in the MXCD zone the ability to request reductions in the standard 7 foot perimeter landscaping strip requirement for parking areas that adjoin property other than a street right-of-way in order to achieve better design solution through the use of walls or fences in conjunction with landscaping.

In addition, waivers of the build-to-line and building restriction line provisions of Section 25.13.05.a. and Section 25.17.08 of the Zoning Ordinance are requested pursuant to both Section 25.17.08.b.3(b) and Section 25.14.07.d.4 – Waiver of Equivalent Zone Standards, which allows for waivers of development standards by the Approving Authority for good cause as follows:

“The Approving Authority may waive the application of one (1) or more of the development standards of the designated equivalent zone upon a finding that the applicant has shown good cause as to why the development standard should not apply to any portion of the Planned Development project. In determining whether the burden of establishing good cause has been met, the Approving Authority must consider the following:

- (a) Whether the development standard of the equivalent zone is compatible with the completed portions of the Planned Development;*
- (b) Whether applying the development standard of the equivalent zone is consistent with good planning and design principles;*
- (c) Whether applying the development standard of the equivalent zone is reasonable and practically feasible. The cost of applying the standard may, but does not necessarily, demonstrate that applying the development standards of the equivalent zone is reasonable or practically feasible, and;*
- (d) Such other factor as the Approving Authority reasonably deems appropriate.”*

As a result of WMATA’s taking of property for the metro rail line along the east side of the subject property and the alignment of Rockville Pike along the site’s western frontage, the subject property is one of the narrowest parcels of land on the east side of Rockville Pike and suffers from a highly constrained buildable envelope. The development constraints faced by parcels located on the east side of Rockville Pike within the Middle/North Pike area was recognized in the recently adopted 2016 Rockville Pike Neighborhood Plan (“2016 Plan”), which reduced the previous 1989 Rockville Pike Corridor Neighborhood Plan’s (“1989 Plan”) 135 foot building restriction line, down to 116 feet generally for the area. However, the 2016 Plan did not adequately address or provide an appropriate building restriction line for parcels bounded by WMATA whose buildable depth would be reduced to less than 300 feet as would be the case for the subject property. Relative to the 1989 Plan’s 135 foot building restriction line requirement, Section 25.17.08.b.3(a) of the Zoning Ordinance had provided for a 37% further reduction of the

135 foot building restriction line requirement, down to 85 feet for such uniquely constrained properties.

Since this issue was not specifically addressed by the 2016 Plan, Section 25.17.08.b.3(b) of the Zoning Ordinance allows “the Approving Authority [to] waive building restriction line requirements if the waiver will result in a better form of development consistent with the intent of the Plan and the development standards for mixed-use zones set forth under Article 13.” The proposed site layout and building configuration promotes a more pedestrian friendly environment along the site’s Rockville Pike frontage by locating all surface parking to the rear of the building, while at the same time achieving the most efficiently designed use for this extremely narrow parcel.

Finally, while the project proposes to provide 1,150 square feet or 4.4% of the required on-site public use space, the application seeks approval of a fee in lieu for the remaining portion of the public use space requirement pursuant to Section 25.17.01.d.1 of the Zoning Ordinance.